

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**ANN MITCHELL,**

**Plaintiff**

**v.**

**HALLMARK HEALTH SYSTEMS/  
LAWRENCE MEMORIAL HOSPITAL  
JULIE CHASE SHAUGHNESSY**

**Defendants**

**CIVIL ACTION NO. 04-CV-12169-REK**

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**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S  
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 26, 34 and 37 and Local Rule 26, Plaintiff Ann Mitchell ("Plaintiff") has moved this Honorable Court to issue an order compelling Defendants Hallmark Health Systems and Julie Chase Shaughnessy to produce the documents requested in Plaintiff's First Request for Production of Documents.

Pursuant to Fed. R. Civ. P. 34(a) Plaintiff served her First Request for Production of Documents on each Defendant on July 8, 2005. Fed. R. Civ. P. 34(a). Pursuant to Fed. R. Civ. P. 34(b), Defendants' were required to produce the documents requested on or before August 8, 2005. Fed. R. Civ. P. 34(b). Over the course of the nearly 5 months Defendants have had Plaintiff's requests for production of documents, Plaintiff has repeatedly requested that Defendants produce the documents, all to no avail.

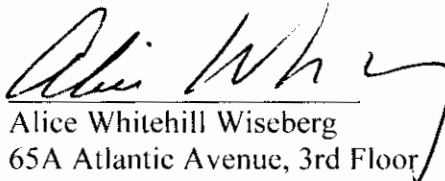
Plaintiff's need for the immediate production of the documents requested are many. The documents requested are essential to Plaintiff proving her case. In addition, Plaintiff cannot respond to Defendant's discovery requests fully without the requested documents, as

many of the documents requested are in the exclusive possession custody and or control of Defendant Hallmark Health, who was Plaintiff's employer for more than 34 years. Finally, Defendants' have objected to and refused to answer all but two of Plaintiff's interrogatories (Defendant Hallmark Health did not answer those two fully). As Plaintiff cannot afford to conduct numerous depositions, if any, without the documents requested Plaintiff will not be able to respond to Defendants' discovery requests fully and will have extreme difficulty proving her case.

Pursuant to Local Rule 7.1(A)(2) and Local Rule 26.1, at approximately mid-day November , 2005, and at other times, I contacted Defendants' counsel, John Simon, by telephone and for approximately minutes we discussed this discovery dispute in a reasonable and good faith effort to resolve and or narrow the issues addressed in this motion. Unfortunately, despite counsels' best efforts, a mutually agreeable resolution to the dispute could not be reached, making this motion necessary.

Wherefore, in the interests of fairness, Plaintiff respectfully requests that this Honorable Court order Defendants to serve its/her production of documents on Plaintiff on or before December 21, 2005.

Respectfully submitted,  
ANN MITCHELL  
By Her Attorney,

A handwritten signature in dark ink, appearing to read "Alice Whitehill Wiseberg", is written over a horizontal line.

Alice Whitehill Wiseberg  
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